IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

SEP 1 7 2010 JULIA C. DUDITA CLERK BY:

HAROLD LEE,	
Plaintiff,	Case No. 7:10CV00247
v.	<u>ORDER</u>
GENE JOHNSON, <u>ET AL</u> .,	By: Glen E. Conrad Chief United States District Judge
Defendants.)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

- 1. Plaintiff's response (Dkt. No. 9) is hereby **CONSTRUED AND GRANTED** as a motion to amend, and his complaint is hereby amended as stated in the motion; and
- 2. The following of plaintiff's claims as amended are hereby **DISMISSED**, pursuant to 28 U.S.C. § 1915A(b)(1), as legally frivolous: Claim 2, Claim 3 as to Defendant Richardson, Claim 4, Claim 5, and Claim 6 as to Defendant Richardson, who shall be terminated as a party to this action.

By separate order, the court will direct the clerk to attempt service of process of the remaining claims on the remaining defendants. The clerk will send a copy of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 17th day of September, 2010.

Chief United States District Judge

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